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Federal Trade Commission/Office of the Secretary
Room 159-H
600 Pennsylvania Avenue, N.W.
Washington, D.C.
20580

Re: CAN-SPAM Act Rulemaking, *16 C.F.R. Part 316*, Project No. R411008

TITLE: Definitions, Implementation, and Reporting Requirements under the CAN-SPAM Act

SUBJECT CATEGORY: Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003:
Definitions, implementation, and reporting requirements

PROPOSED RULE

Docket ID: 3084-AA96

CFR Citation: 16 CFR 316

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Comments Due: April 20, 2004

AND

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CFR Citation: 16 CFR 316

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To the Commissioners,

I do not and never will applaud your efforts to control something that the government thinks they have a right to control but that the private industry can do itself and have with all of the different blocking and control programs they have come up with over the years.

As usual the government gets a law passed and then they use that law to go after the people that the law was never originally written for. As the title of CAN-SPAM Act "*Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003*" you were to control Non-Solicited Pornography and marketing. But you have chosen to put that problem aside and makeup a new problem and turn honest citizens into law breakers.

If you really wanted to do something to protect the citizens of this country, you would impose a 100% tax or higher on every credit card order for Pornography on the internet. This would be very easy to do since the government controls the Banking industry and it would put billions of dollars back into our government. But this would probably shut the pornography internet industry down and then you would be out of a job. Plus all of the political kickbacks from the porn industry would also stop.

In regards to you new **PROPOSED RULE –R411008 (FR Doc. 04-05500 and FR Doc. 04-08088)** in curbing the problem of unsolicited bulk email the internet. I must state again that in this regards the industry can take care of this problem on its own. However, I am concerned about the proposed requirement for merchants to maintain suppression lists.

At the present time there are so many problems and costs associated with this idea, and so much damage may be done to consumers and businesses alike, that I feel I must urge you to consider this matter most carefully. Over the last decade there have been many changes to the internet and its use. The industry has always come up with upgrades and new programs when it was required by itself and none of these were ever mandated by the government.

Requirement of the use of suppression lists will seriously damage many of the legitimate publications available on the net. My specific concern is for harm to publishers who require permission from the consumer prior to adding them to any list.

They're not the ones who CAN-SPAM was designed to put out of business, but this requirement will very likely have that effect.

There's also the potential for significant harm to consumers, because of the problem of not properly knowing their intent when they unsubscribe from a list. On top of that, these suppression lists could easily fall into the hands of spammers, leading to more spam instead of less.

I was quite surprised at the potential problems this ruling could cause, and urge you in the strongest possible terms to reconsider its implementation in light of these problems. I feel you need to take care of the original problem that you were charged with "*Non-Solicited Pornography and Marketing*".

Respectfully,



Patrick Devine

Sigourney, Iowa, USA